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PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
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EDWARD B. EVANS 1936-1971

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June 8, 2004

FACSIMILE COVER SHEET

To: Jordan M. Lofdahl
Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Fax: 703-872-9306

Enclosures:

Fax Cover Sheet containing Certificate of
Facsimile Transmission (1 page)
Substitute Response to Restriction
Requirement containing Certificate
of Facsimile Transmission (1 page)

From: Douglas A. Scholer
Reg. No. 52,197

Re: US Application
Serial No.: 10/700,412
Filed: November 4, 2003
Applicant: Robert McClure et al.
Art Unit: 3644
Confirmation No.: 5783
Our Ref.: DBS-02
Pages: 2 (including cover sheet)

MESSAGE/COMMENTS
OFFICIALCERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (2 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Jordan M. Lofdahl, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on June 8, 2004.

Judith L. Volk
Judith L. Volk

June 8, 2004
Date

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Judith L. Volk
Judith L. Volk

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PATENT

DBS/02

Confirmation No. 5783

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert McClure et al.

Art Unit: 3644

Serial No.: 10/700,412

Examiner: Jordan M. Lofdahl

Filed: November 4, 2003

Atty. Docket No.: DBS/02

For: POSITIONAL BLASTING SYSTEM

SUBSTITUTE RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted per the suggestion of the Examiner to supplant the reply dated May 19, 2004 in which Applicants previously responded to the Restriction Requirement.

Applicants now elect Group II (claims 10-24). For the reasons stated in the May 19, 2004 response, Applicants respectfully disagree that Groups I, II and III are patentably distinct, and therefore, traverse the election requirement.

Early and favorable examination on the merits is respectfully requested upon receipt and entry of this Amendment. If there are any questions regarding this paper, or which might otherwise further this case onto allowance, please contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

6/8/04

Date

Douglas A. Scholger

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Page 1 of 1

Serial No. 10/700,412

Supplant Response to Restriction Requirement dated June 8, 2004

In Response to Restriction Requirement of April 19, 2004

WH&P DBS/02